

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA and
STATE OF NEW MEXICO,

Plaintiffs,

v.

CIV 14-0783 KBM/CG

CHEVRON MINING, INC.,

Defendant.

**AMENDED ORDER GRANTING MOTION FOR ENTRY
OF PROPOSED CONSENT DECREE**

THIS MATTER is before the Court on the Motion to Enter Consent Decree (*Doc. 11*), filed by Plaintiffs United States of America and the State of New Mexico on September 3, 2015. The parties have consented to me serving as the presiding judge and conducting all proceedings, including trial, pursuant to 28 U.S.C. § 636 and FED. R. CIV. P. 73. *See Doc. 23.*

The proposed consent decree was lodged with the Court on August 28, 2014, (*Doc. 4*) and the United States extended the period for receiving public comments through late November 2014. *See Doc. 7.* The Court has thoroughly reviewed the motion, Plaintiffs' memorandum in support of the motion, all four exhibits submitted with the motion, and the memorandum in support of the motion filed by Defendant Chevron Mining, Inc. (*Doc. 21*) on September 11, 2015. The Court also examined in detail the proposed consent decree and has carefully considered the objections that were submitted by eleven individuals or entities (*Exh. B at Doc. 11-3*).

For the reasons set forth in the Plaintiffs' memorandum in support of the motion, however, the Court finds that the objections should be overruled and that the proposed consent decree be entered because: it is a fair, adequate and reasonable resolution to compensating Plaintiffs for their narrow claims for natural resource damages resulting from Defendant's mining operations near Questa, New Mexico; entry of the consent decree will not compromise the massive remediation claims at issue in another pending lawsuit in this District to ensure the clean-up of environmental threats resulting from operation of the molybdenum mine (*Chevron Mining, Inc. v. United States of America, et al.*, CIV 13-0328 MCA/KK); and the settlement agreement reached by the parties here is (1) the product of negotiation and compromise, free from collusion, (2) neither illegal nor against the public interest, and (3) the result of the relevant administrative agencies' exercise of expertise in assessing and valuing the extent of the natural resource damages and developing terms for settlement consistent with the CERCLA statute and in the public interest.

Wherefore,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Entry of the Proposed Consent Decree (*Doc. 11*) be, and hereby is, **granted**. The Court will sign and enter the proposed consent decree as a final judgment pursuant to Rule 54 and Rule 58 of the Federal Rules of Civil Procedure.

A handwritten signature in black ink, appearing to read "Karen B. Moynihan", is written over a horizontal line.

UNITED STATES CHIEF MAGISTRATE JUDGE
Presiding by Consent